

PART 4

SECRET

CONFIDENTIAL FILING.

Civil Disorder

The Scaman Report

HOME AFFAIRS

PT1: April 1980

PT4: June 1988

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10 DOWNING STREET
LONDON SW1A 2AA

From the Principal Private Secretary

4 December 1990

BROADWATER FARM CONVICTIONS

The Prime Minister has seen the Home Secretary's minute of 3 December and has noted that the case of Mr. Engin Raghip is to be referred back to the Court of Appeal.

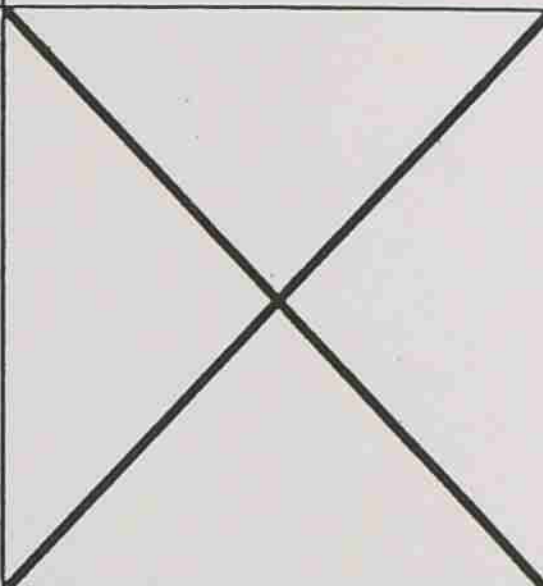
The Prime Minister has also noted the proposals to establish a wide ranging inquiry into the operation of the criminal justice system which would be announced shortly after the decision of the Court of Appeal in the case of the Birmingham Six. He will want to discuss the details of this with the Home Secretary at some stage.

I am copying this letter to Jenny Rowe (Lord Chancellor's Office), Tim Sutton (Lord President's Office), Juliet Wheldon (Attorney General's Office) and Sir Robin Butler.

ANDREW TURNBULL

Colin Walters, Esq.,
Home Office

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| DEPARTMENT/SERIES <i>PREM 19</i> PIECE/ITEM <i>302</i> (one piece/item number) | Date and sign |
| Extract details: <i>Home Secretary to PM dated 3 December 1990</i> |  |
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From: THE PRIVATE SECRETARY

ceky



*Prime Minister
To note
KT 311*

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

2 May 1990

*Thompson
mt*

Dear Andrew,

Following the serious disorder in London on 31 March you mentioned the Prime Minister's concern about the design of police vehicles and their ability to withstand attack. She reiterated this concern to the Commissioner at their meeting on 3 April, as recorded in your letter of that date to Colin Walters.

We have been in touch with the Metropolitan Police and understand that their detailed review of the events of 31 March will include an examination of the equipment which was used. Deputy Assistant Commissioner Metcalfe is the officer who has been given the responsibility of undertaking the review and his attention, and that of the chief engineer of the force, has been drawn to the seeming vulnerability of the transport vehicles and in particular of their petrol caps. We shall certainly consider any recommendations made and the funding implications as they are put to us. Sir Clive Whitmore met the Commissioner on 5 April and agreed that we would consider a small volume bid in 1990 PES to cover needs identified in the review of the disorders.

Yours sincerely,

Pen Sim

P R C STORR

A Turnbull, Esq
Principal Private Secretary
10 Downing Street
LONDON SW1A 2AA

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SUBJECT CC MASTEK

10 DOWNING STREET
LONDON SW1A 2AA

From the Principal Private Secretary

3 April 1990

Dear Colin,

COMMUNITY CHARGE: LONDON RIOTS

The Commissioner of the Metropolitan Police, Sir Peter Imbert, Deputy Assistant Commissioner Meynell and Chief Superintendent Spice came to see the Prime Minister this evening at her request. The Home Secretary was also present.

The Prime Minister said she wished to have the opportunity to express her thanks personally to Sir Peter for the courageous way in which the Metropolitan Police had stood up to the ferocious attack upon them during Saturday's demonstration. She asked that her appreciation be passed to all those involved. She also expressed her sympathy to those officers who had been injured. She commended the way in which the officers under the command of Chief Superintendent Spice had resisted the determined efforts of those demonstrators seeking to break into Downing Street.

Sir Peter said that the number attending the demonstration, about 40,000, was slightly more than the organisers had indicated but not very different from the Metropolitan Police's own expectations. Within this figure they had expected around 1,500 trouble-makers. What had been completely unexpected was the degree of violence used. Some of his officers came close to being murdered. Chief Superintendent Spice said the officers holding the line outside Downing Street had been spat upon and had withstood abuse and missiles for over an hour before officers equipped with riot gear were deployed. A significant proportion of his officers were women who had also shown great courage. The restraint shown was highly commendable.

The Prime Minister asked whether it was necessary to reconsider allowing demonstrations to take place in Trafalgar Square. Sir Peter said that a demonstration of 40,000 was within the capacity of Trafalgar Square, provided people were well behaved. Although he had powers under the Public Order Act to seek an order from the Home Secretary banning marches, he was very reluctant to use those powers. Were, however, a similar demonstration to be proposed in the near future, he would be justified in opposing it. On a normal weekend there

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could be around 20 demonstrations in addition to the major football matches. He personally doubted whether relocating the demonstration to Hyde Park would have affected the outcome.

Sir Peter said two inquiries were now under way, the first to establish those who had conspired to organise the violence and those who had perpetrated it; and the second to learn any lessons for future policing of such occasions. Seventy officers had been allocated to the task of identifying those responsible for the violence. It was regrettable to have to devote such resources to one investigation, but he believed this was right. There was a substantial archive of film and still photographs which would be of great assistance. The TV companies had said they would make their film available only after being required to do so by the courts, though they had indicated that they would co-operate fully in this.

Sir Peter expressed concern at the concept of a balance as interpreted by the press. They seemed to think that the right way to proceed was to publish one letter criticising the police for each one expressed in their support. He believed this substantially under-estimated the degree of support which the police had enjoyed. He handed the Prime Minister a selection of letters which had been received - copies attached.

The Prime Minister expressed concern that some officers had nearly been trapped in a van which the demonstrators attempted to set on fire. The design features of these vehicles should be looked at carefully, eg the petrol caps, to make it as difficult as possible to set fire to them. She feared that there could be further riots in the near future and hoped, therefore, that losses in equipment would rapidly be made good and that any new equipment which was identified as necessary would quickly be acquired. She urged Sir Peter to discuss the funding implications urgently with the Home Office. The Prime Minister also noted that the Receiver of the Metropolitan Police had indicated that he would pay compensation for property damaged in the riots and was in the process of establishing the precise streets in relation to which claims could be made. She was concerned that this, too, could put further pressure on the Metropolitan Police's cash limit.

Sir Peter expressed his appreciation for the moral support Ministers had given to the police. In due course he would be making commendations for brave conduct, but inevitably only a small proportion of officers could be recognised in this way. He hoped it would be possible to commend the Metropolitan Police as a whole. His ultimate ambition was that it should become the Royal Metropolitan Police. Such an accolade would, of course, have to be earned by raising standards of service and courtesy. The statement of purpose and values which he had published a year ago was contributing to this. He was heartened that it was being imitated by other police forces in this country and abroad.

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- 3 -

Concluding the discussion, the Prime Minister again thanked Sir Peter and the Metropolitan Police for the service they had given to the public on Saturday.

*Your sincerely
Andrew Turnbull*

ANDREW TURNBULL

Colin Walters Esq
Home Office

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PRIME MINISTER

MEETING WITH SIR PETER IMBERT

The Commissioner of the Metropolitan Police, Sir Peter Imbert, is coming to see you at 1730 today. He will be accompanied by Deputy Assistant Commissioner Meynell who was in charge of 8 Area (i.e. Westminster) on Saturday afternoon; and Chief Inspector Spice, the Commander at Cannon Row, whose men were responsible for resisting the attempts to get into Downing Street.

You will want:

- (i) to thank the Commissioner for the efforts of his men in controlling the demonstration and riot, and to express sympathy for those officers who were injured;
- (ii) to ask him for his impressions of why the march developed as it did, and who lay behind it;
- (iii) to ask him how the process of bringing the rioters to justice is being organised. Have the police experienced any difficulty in obtaining film of the incident from broadcasters?
- (iv) to consider what lessons there are both for intelligence gathering and for policing of such events.

Although the police were under great pressure and showed great courage, it cannot be said that their handling of the event was faultless. Although some congratulations are in order, you will also want to probe how a repetition can be avoided.

The Home Secretary wants to stay on afterwards to discuss with you the nature of the enquiry into the riot at Strangeways jail. Now that a death has been confirmed, it will be necessary to construct the terms of reference of the enquiry carefully to ensure that it does not jeopardise police investigations.

AT

(ANDREW TURNBULL)

3 April 1990

a:/pps/Imbert (srw)

Prime Minister
You may like to see
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AT
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MOTION PASSED BY WESTMINSTER CITY COUNCIL'S POLICY &
RESOURCES COMMITTEE ON 2 APRIL 1990

This Council strongly condemns Saturday's outrageous riot and the damage and terror inflicted on local residents and other citizens by the protestors and:

- (i) notes that seventy five tonnes of debris was cleared from the streets and compliments MRS staff and Council officers for their prompt and efficient response to these shameful events;
- (ii) instructs the Managing Director to quantify the exact cost of cleaning up after and policing Saturday's demonstration and send a bill for this sum to the Anti-Poll Tax Federation without delay;
- (iii) congratulates the Police for their sterling efforts on behalf of the City extends it's sympathy and best wishes to those Policemen injured in the course of their duty, it also utterly rejects criticism of the Police currently being made by apologists for the riot;
- (iv) authorises the Managing Director to make available a sum of one thousand pounds to an appropriate charitable body, such sum to be applied as a reward for information which leads to the conviction of the youth who smashed a stave through the window of a police car as seen by millions on television;
- (v) requests the Home Secretary to formally declare last Saturday's disturbances a riot in accordance with section 2 of the 1886 Riot (Damages) Act thus enabling uninsured small businesses and householders to receive compensation from public funds;
- (vi) whilst re-affirming the freedom to protest request the Metropolitan Police Receiver to consider ways of reconciling this right with the freedom of ordinary citizens to go about their lawful business;
- (vii) urges Mr Neil Kinnock to expel George Galloway M.P. and Dave Nellist M.P. and other Labour Party Members who supported Saturday's demonstration and, by refusing to pay their community charge, lend respectability to the law-breaking of others.

has been
done. Details
of the area covered
being settled
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10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

6 October 1988

Jean Philip

DISORDER IN RURAL AREAS

The Prime Minister was grateful for the Home Secretary's minute reporting the action taken following Cabinet discussion on 30 June. She was pleased with the progress which had been made. She was particularly interested in reports which she has had separately of the success of ACPO's Brighton experiment. The Prime Minister assumes that the research referred to in paragraphs 9 and 10 of the Home Secretary's minute is an extension of the Brighton experiment into other towns and looks forward to early translation of their results into firm guidelines for licensing justices as outlined in paragraph 11(ii) of the Home Secretary's minute.

I am copying this letter to the Private Secretaries to members of the Cabinet and to Trevor Woolley.

Yours sincerely
Dominic

DOMINIC MORRIS

P. J. C. Mawer, Esq.,
Home Office

DTB

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Prime Minister ²

Mr Hurd's minute is also
attached.

JH

PRIME MINISTER

30 SEPTEMBER 1988

DISORDER IN RURAL AREAS

Douglas Hurd's minute of 27 September reports on the action taken following the Cabinet discussion of rural violence on 30 June. On one point - the use of stipendiary magistrates to consider licensing applications - he does not think it practicable to act. Although he does not spell it out, a real obstacle would be getting sufficient stipendiaries at the salary offered.

But there are other ways of getting licensing magistrates to take a tougher stance. The Brighton police have been conducting an interesting experiment.

Brighton - Licensing Project

In 1986 the Brighton police found themselves overwhelmed by weekend crime and public order problems in the city centre. So they decided to collect information on the link between alcohol and crime.

They found that the peak hour for assault and public order offences was 2 am. They found that the largest number of people arrested for such crimes were in the 21-25 age group (the second largest being 17-21). They found that most of those committing assault and public order offences were employed (the unemployed tended to steal).

The information which the police collected systematically over months helped to convince the licensing magistrates that there was a problem, and that it stemmed mainly from late night drinking in clubs. The clubs concerned were warned that they might lose their licenses if they did not

take certain steps eg to reduce over-crowding. This had a marked effect on their own efforts to keep order - as they are supposed by law to do.

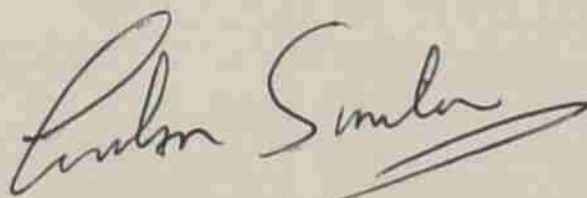
The results so far are:

- 14 per cent reduction in alcohol-related offences between 1986 and 1987 although total arrests in the period went up by 9 per cent;
- the peak hour for alcohol-related offences has moved forward from 2 am to 11 pm - this reduces police overtime;
- licensees have found their profits growing as older married customers return to the city centre.

ACPO will be considering the Brighton approach at their autumn conference. It is likely to be adopted force-wide.

These results suggest that the reluctance of licensing magistrates to act against what they see as the commercial interests of the area can be overcome. But the magistrates need training and guidance (as Douglas Hurd proposes), and hard evidence of the nature of the problem carries weight.

A picture is building up which suggests that late night drinking clubs (unknown in market towns 10 or 15 years ago) are the main contributors to drunken assault and public disorder. It will be interesting to see if this impression is sustained by the Home Office research due to be completed by the end of November.



CAROLYN SINCLAIR



Prime Minister

DISORDER IN RURAL AREAS

in view of a Policy on controls on Brighton police research attached

Excellent - Parliament

This minute reports action taken following discussion in Cabinet of my earlier memorandum (C(88)9) on 30 June this year. We have had no ~~riots~~ riots this summer but episodes of lesser disorder have continued, though representatives of some towns have begun to complain of media exaggeration.

2. It was agreed at our meeting that I should:

- (i) issue tough new guidelines to licensing justices and the police on enforcement of the licensing laws including provisions on under-age drinking;
- (ii) look into the possibility of very quick prosecutions and court hearings to ensure that those involved in disorder would be dealt with crisply and quickly;
- (iii) encourage chief police officers to implement the ACPO/Home Office Working Group's recommendations for operational improvements to the police response to incidents of disorder outside Metropolitan areas;
- (iv) commission research into social and demographic issues relating to drinking and disorder amongst young people outside Metropolitan areas.

Meetings with interested parties

3. A series of useful meetings were held at the end of July:

- (i) The Lord President, the Lord Chancellor and I met representatives of the Magistrates' Association to discuss enforcement of the licensing laws and swifter justice for those involved in disorder;
- (ii) the Lord President and I met representatives of the licensed trades and the drinks, leisure and entertainments industry to discuss licensing law enforcement and other aspects of alcohol related disorder;
- (iii) senior officials discussed licensing law enforcement with representatives of ACPO;
- (iv) officials discussed swifter court hearings with the Crown Prosecution Service, ACPO and the Justices' Clerks' Society.

Proposals for operational improvements to the police response to incidents of disorder outside Metropolitan areas were the subject of a separate meeting with ACPO on 12 September.

Licensing law enforcement

4. The July meetings revealed a broad consensus about action to tackle alcohol and disorder through better management of premises and tougher enforcement of the licensing laws. Guidance was issued to the police and courts on 5 August (copy at A). This draws attention to the wide powers available to prevent and curb disorder, infringements of the licensing law and drunkenness; the new powers under the Licensing Act 1988 to object to and revoke licences at any licensing session with examples of possible grounds; the usefulness of visits to licensed premises by licensing justices and police with the examples of points to note; enforcement of the

law on the purchase of alcohol by under 18s (in public houses and other outlets) including reference to identity card schemes. It also provides information about crime prevention measures and exclusion orders in respect of persons convicted of violence or threatening violence on licensed premises. Copies of the guidance were sent to representative organisations for the licensed trade and the drinks, leisure and entertainments industries as well as the police and courts.

Swifter court hearings

6. Guidance was issued on 12 August (copy at B). This recommends drawing up a local contingency plan to allow an accelerated procedure for bringing people before the courts following outbreaks of hooliganism and disorder. The steps to be taken by each agency are outlined. Reference is made to seeking the appointment of an acting stipendiary magistrate to avoid delays in hearing cases, especially where large numbers of cases are involved or they are particularly complex. The Circular also contains guidance on the appointment of press spokesmen and the prompt and firm enforcement of fines.

Police and disorder

7. In my earlier memorandum I referred to the joint Home Office/ACPO Working Group examining ways of improving the police response to disorder in rural areas. This group has now completed its task. Its recommendations cover ways of improving the gathering and dissemination of information, refining and testing contingency plans and call-out arrangements and improving tactics. With one or two minor reservations, ACPO have accepted the report and agreed to implement its recommendations. I plan a circular to chief officers commending the report and urging its implementation. HM Chief Inspector of Constabulary will check on forces' progress in doing so. Further urgent work on developing and refining police tactics specifically designed for rural disorder is being taken forward jointly with ACPO.

8. ACPO representatives have, however, expressed considerable misgivings as to the police service's ability to implement these recommendations within existing resources. There is a certain amount which can be achieved by juggling with what they have, but only, of course, at the expense of a competing priority. I am pursuing separately with the Chief Secretary my proposals for additional police manpower.

Research

9. Six towns in South-East England have been chosen as the subject of an intensive study to establish the kind of areas most at risk of outbreaks of disorder; whether there are common factors to disturbances; what kind of young men are involved and what their motivation is.

10. Data from surveys and interviews is being analysed. A report on the research is expected to be available at the end of November.

Other action on alcohol misuse

11. (i) Drinking in a public place

In July I announced details of a pilot project in Coventry to test the effectiveness of a byelaw making it an offence to drink alcohol in designated streets and other public places. The byelaw is likely to come into operation on 1 November and will run for two years. Its effectiveness will be monitored by the Home Office Crime Prevention Unit and the local authority. Six other district councils have been invited to submit bids to fill three or four additional places in the project probably beginning early in the New Year.

(ii) Guidelines for licensing justices

In addition to points made in the guidance already issued it would be helpful if guidelines or a code of practice were drawn up to enable licensing justices to deal effectively and consistently with licensing applications.

The Magistrates' Association has been invited to convene a Working Party for this purpose taking in members of the trade, brewers and the police as well as licensing justices. Guidelines could then be made available to interested parties.

(iii) Training for licensing justices

At the meeting on 25 July, the representatives of the Magistrates' Association suggested that there should be improved training for licensing justices. In March 1985 the Association organised a highly successful week-end seminar for Chairmen of Licensing Committees in England and Wales and the Association is being invited to build on this and provide further training for Chairmen of Licensing Committees, and of magistrates generally as to their powers in petty sessions. The Lord Chancellor's Training Officer will be drawing attention to the need for training in licensing matters on his visits to Training Sub-Committees of Magistrates' Courts Committees. The Magisterial Committee of the Judicial Studies Board will be considering the matter at its next meeting.

(iv) Use of stipendiary magistrates to consider licensing applications

The Lord Chancellor and I have looked at the suggestion and have come to the conclusion that it would be impracticable. Licensing Committees act for each of the 550 petty sessional divisions in England and Wales and each Committee is required to hold an annual general licensing meeting and not less than four nor more than eight transfer sessions each year. In addition, many Committees carry out routine inspections of licensed premises. There are at present only 14 stipendiary magistrates outside Inner London, although five more will be appointed shortly. The considerable increase in the total numbers that would be required could not be made overnight and in any event it would not be the best use of resources for stipendiaries to sit in the number of places and on the number of occasions that would be required. It would not be feasible to transfer only some of the licensing functions to stipendiaries because they would not have the detailed background knowledge which licensing justices acquire. Wholesale appointments of stipendiaries

for this purpose would undermine the lay magistracy and provoke their intense opposition which would be particularly unfortunate at a time when the encouragement given to the lay magistracy to request the appointment of stipendiaries where appropriate is beginning to pay off. In any event stipendiaries do not at present have the powers of licensing justices and statutory provision would be required.

(v) Wider aspects of alcohol misuse

Work is being taken forward by the Ministerial Group on Alcohol Misuse. Of particular relevance are consultations now in progress on draft guidance to a wide range of organisations in the criminal justice, health, social care, education and road safety sectors suggesting ways they might work together and with other local organisations to tackle the problem of alcohol misuse. The draft guidance includes statements about the role of the different organisations involved, information on sources of advice and helpful publications as well as examples of good local practice. The crime prevention section includes additional details about identity card schemes now being promoted nationally by the National Licensed Victuallers' Association and the licensed trade journal, the Morning Advertiser, as well as details of multi-agency projects on alcohol related disorder.

12. I am copying this minute to other Cabinet colleagues and to Sir Robin Butler.

Dy - Hms.

27 September 1988



HOME OFFICE
Queen Anne's Gate LONDON SW1H 9AT
Direct line 01-213
Switchboard 01-213 3000

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Our reference
Your reference

Judges of the Crown Court
The Circuit Administrator
The Courts Administrator
The Chief Clerk of the Crown Court
The Clerk to the Justices
(extra copy to the Chairman of the Bench)
The Clerk to the Magistrates' Courts Committee
The Chief Officer of Police in England and Wales

5 August 1988

Dear Sir/Madam

HOME OFFICE CIRCULAR NO 68/1988

ALCOHOL AND DISORDER

1. The Government is concerned about the link between heavy drinking and public disorder. There is a growing number of reports of disorder in rural areas, and of incidents of football hooliganism, in which alcohol has played a significant part. The recent report by the Association of Chief Police Officers which surveyed incidents of public disorder in non-Metroplitan areas of England and Wales in 1987 found that alcohol featured in 90% of such incidents. Violence in the cities remains a problem and the connection with alcohol misuse is often clear.

2. The purpose of this Circular is to draw attention to the wide powers available to the courts, licensing justices and police to prevent and curb disorder, infringements of the licensing law and drunkenness. The Circular also provides information about possible crime prevention measures.

3. Annexes A-C to this Circular list:

- A. The powers available to control licensed premises and deal with breaches of the licensing laws;
- B. The main offences of drunkenness, indicating maximum penalties.
- C. The main offences of disorder, violence and vandalism, again indicating maximum penalties;

POWERS OF THE COURTS AND LICENSING JUSTICES

4. The licensing laws provide wide discretion to grant, refuse, renew or revoke licences. The following paragraphs draw attention to some particularly important provisions relating to licences in force. But it is especially important, when considering applications for new licences and for the transfer of licences, to ensure that the prospective licensee is aware of his/her responsibilities under the law and has made arrangements for the effective management of the premises, including the training of staff. These aspects can best be addressed by questioning the applicant.

Powers to close licensed premises

5. The power of licensing justices to close premises which are badly managed or which are the scene of regular disturbance and disorder can be exercised at present only once a year, at the annual renewal of the licence. This occasion provides the opportunity for the justices, police, local residents or local council to object to a licence remaining in force. The grounds on which renewal may be refused are wide-ranging and are not specified. They may include reports of disorder at or associated with premises, convictions or warnings for infringements of the licensing laws (eg sales to under 18s or after-hours drinking), examples of bad or lax management and a poor standard of service, car-parking problems, rowdyism or litter.

6. With the introduction of three year licences in February 1989, the Licensing Act 1988 will give licensing justices the power to revoke a licence at any licensing session on any grounds on which they may refuse to renew a licence. An application for revocation may be made by anyone or the justices may themselves initiate proceedings. The power will come into effect on 1 March 1989.

7. The new powers of revocation will enable justices to exercise greater and more immediate control over troublesome premises, and the power to refuse renewal of a licence (in future once every three years) will remain.

Day to day running of licensed premises

8. Most licensing committees make it their practice to visit licensed premises in their area both to make contact with the licensee and see for themselves the premises, staff and clientele. Routine visits to premises remind licensees of the role of licensing justices and of the importance of observing the law. They also give licensing justices local knowledge of their premises and the likely trouble spots. Points to note or enquire into include: whether staffing levels are adequate (slow customer service may trigger violence); arrangements for staff training including awareness of the licensing law and handling of difficult customers; methods of dealing with disorder, including police liaison; numbers of persons on the premises (overcrowding can be another source of trouble); design and layout, with particular reference to good visibility from the bar area; arrangements for supervising the departure of customers late at night (clubs, for example, may wish to arrange for a degree of

supervision outside the premises). Visits on similar lines by the police can also be valuable.

Underage drinking

9. The Licensing Act 1988 has strengthened the offence of selling to those under 18, shifting the burden of proof to the licensee but providing a defence if he can prove he exercised all due diligence to avoid the commission of an offence or that he had no reason to suspect the customer was under 18. The maximum fine for selling to under-age customers is raised from level 2 (£100) to level 3 (£400). The powers of magistrates to order the forfeiture of a licence on a second or subsequent conviction are retained. It is also an offence for a person under 18 to buy or attempt to buy alcohol on licensed premises, or to consume alcohol in a bar. A person who buys alcohol for consumption by an under-age person in a bar also commits an offence.

10. The 1988 Act requires all sales of alcohol by staff aged under 18 in off-licensed premises (including supermarkets) to be specifically approved by the licensee or an adult acting on his behalf. Wholesale premises are also subject to the law on sales to and by persons under 18.

11. Assessing a person's age is one of a licensee's most difficult responsibilities. Some pubs deliberately set out to attract young customers and it may be all too tempting for licensees to turn a blind eye. Measures taken to prevent under-age sales, including appropriate staff training and design of premises, will be important points to stress when considering licensing applications and during visits to licensed premises. In response to the 1988 Act provisions, voluntary identity card schemes are attracting interest amongst the trade. Schemes are in operation in a number of areas.

Late-night licensing extensions

12. Incidents of disorder often occur when customers leave late-night clubs and discos at the same time, whether midnight, or 1 am or 2 am. The Licensing Act 1964 presently requires the justices to grant regular late-night extensions (special hours certificates) provided certain criteria are met. The Licensing Act 1988 strengthens the available powers by giving licensing justices (or magistrates' courts in the case of registered clubs), discretion to grant or refuse special hours certificates, even though the criteria are satisfied, and a power to attach limitations to certificate's operation, eg to curtail the closing hours. The right of the police to apply for the curtailment or revocation of a certificate if premises give rise to disorderly conduct will remain. The new provisions will come into effect on 22 August.

13. The new powers provide scope for discussion between justices, the police and local councils (who license premises used for entertainment) to determine a policy for late-night premises, eg their closing hour. It would also be possible, for example, to limit the numbers present in night clubs if there is evidence of overcrowding which results in disorder.

Use of exclusion orders

14. The Licensed Premises (Exclusion of Certain Persons) Act 1980 enables the magistrates' court, when sentencing a person convicted of violence or threatened violence on on-licensed premises to make an 'exclusion order' prohibiting him/her from entering those or any other specified premises (for between 3 months and 2 years) without the express consent of the licensee. Thus a person convicted of a violent offence in a public house may be banned from that pub and from others which are named in the order. A police constable or the licensee has specific power to expel from licensed premises a person whom he reasonably suspects to have entered premises in breach of an exclusion order. The Act applies in England, Wales and Scotland. This is a useful power to prevent known troublemakers from entering pubs in the area. The trade would welcome its greater use.

Section 188 of the Licensing Act 1964

15. This section provides that where a riot or tumult (incident of serious disorder) happens or is expected to happen in any county, any two justices may order every holder of a justices' licence in the area of likely disorder to close his premises for such time as the justices may order. The maximum fine for disobeying an order is £400. If any order is made, it will apply to all licensed premises - pubs, restaurants, hotels, wine bars, off-licences and supermarkets. In practice, when trouble is expected eg in the vicinity of football grounds, the police will advise particular licensees to close and most are happy to comply. But justices should be aware of this important reserve power.

Home Office Circular 62/1988

16. The Government considers it important for those accused of involvement in outbreaks of hooliganism to be brought promptly before the courts. Home Office Circular 62/1988, to be issued shortly, will provide guidance and a general framework for the development of local plans to provide special arrangements for bringing people quickly before the court when this seems desirable.

Appeals to the Crown Court

17. Judges hearing appeals against the decisions of licensing justices on any aspect of licensing will wish to bear in mind the importance of maintaining public order and preventing crime as well as legal considerations.

Powers of the police

18. Police knowledge of trouble on the ground is essential to the consideration of licensing applications. The Licensing Act 1964 provides a power for the police to enter licensed premises whether at the invitation of the licensee or not. Police may also object to the grant, transfer or renewal of a licence or apply for its revocation.

19. It is important for the police as well as the courts to be aware of the wide powers available to deal with infringements of the licensing law. Much can be achieved by providing help and advice to landlords, as well as drawing the attention of the owner/brewer to troublesome premises. But if co-operation is not forthcoming and trouble continues, it will be necessary to consider whether a licence should continue in force. In such circumstances, police will wish to consider the case for lodging a formal objection to the licence (rather than submitting general comments) and/or taking the initiative to apply for revocation of the licence.

Crime prevention

20. This Circular stresses the need for firm action to close problem premises and deal with trouble makers. But it is equally important to target resources and make best use of crime prevention opportunities. There is scope for co-operation between the courts, the police, licensees, brewers and others. A good deal of useful crime prevention work is already being carried out in relation to licensed premises; Annex D to this Circular gives examples.



D E R FAULKNER



J A CHILCOT

LICENSING ACT 1964 (AS AMENDED BY THE LICENSING ACT 1988):
EXISTING POWERS

- Section 3 Licensing justices have discretion to grant, renew or transfer a justices' licence to any person they think fit and proper.
- Section 4 When granting a new justices' on-licence, the licensing justices may attach to it such conditions governing the tenure of the licence and any other matters as they think proper in the interests of the public. A new on-licence shall not be granted if the premises are not structurally adapted to the class of licence required.
- Section 7 The occasion of licence renewals provides an opportunity for anyone (including police, local residents and licensing justices) to object to renewal on wide variety of grounds - see paragraph 5 of the circular.
- Section 19 Licensing justices have power to require structural alterations to on-licensed premises - on renewal of licence - "to secure the proper conduct of the business".
- Section 20A (Inserted by section 12 of the 1988 Act.) From 1 March 1989, licensing justices will have power to revoke a licence at any licensing sessions either on an application or of their own motion. Revocation is exercisable on any ground on which the renewal of the licence may be refused.
- Section 67A (Inserted by section 3 of the 1988 Act.) From 22 August, licensing justices, or magistrates' courts in respect of clubs, will have power to grant a restriction order requiring particular premises to close their bars during the afternoon to avoid or reduce any disturbance, annoyance or disorderly conduct.
- Sections 70,
71,
72 Licensing justices, or magistrates' courts in respect of clubs, have discretion to grant extended hours orders (to 1 am) for restaurants providing musical entertainments.
- Section 73 Police may apply for extended hours order to be revoked eg on grounds of disorderly conduct in or around the premises.

- Sections 76, (As amended/inserted by section 5 of the 1988 Act.)
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78A, grant or refuse special hours certificates and a
80 power to limit its hours. Police have power to
81 apply for revocation or curtailment of hours, eg to
81A reduce disorderly conduct and disturbance and
annoyance to local residents.
- Section 169 (As amended by section 16 of the 1988 Act.) It is
an offence for a licensee to sell alcohol to a
person under 18; knowingly to allow a young person
to consume alcohol in a bar; and knowingly allow
any person to sell alcohol to a person under 18. A
person under 18 commits an offence on licensed
premises if he buys or attempts to buy alcohol.
And it is an offence for any person to buy alcohol
for a person under 18 to consume in a bar.
- Section 171A (Inserted by section 18 of the 1988 Act.) In
off-licensed premises, it is an offence for the
licensee to allow staff under 18 to sell alcohol
unless that sale has been specifically approved by
the licensee or by an adult acting on his behalf.
- Section 172 It is an offence for a licensee to allow
drunkenness or to sell alcohol to a drunken
customer.
- Section 173 It is an offence to procure alcohol for a drunken
person.
- Section 181A (Inserted by section 17 of the 1988 Act.) A
wholesaler commits an offence on wholesale premises
if he sells alcohol to a person under 18 or allows
staff under 18 to sell alcohol unless that sale has
been specifically approved by the wholesaler or by
an adult acting on his behalf. And it is an
offence for a person under 18 to buy or attempt to
buy alcohol on wholesale premises.
- Section 186 A constable has a right of entry to licensed
premises "for the purpose of preventing or
detecting the commission of any offence" under the
1964 Act.
- Section 188 Justices have power to order licensed premises to
close in the event or expectation of serious
disorder.

LICENSED PREMISES (EXCLUSION OF CERTAIN PERSONS) ACT 1980

- Section 1 Magistrates' courts, when sentencing a person
convicted of violence or threatened violence on
on-licensed premises, may make an exclusion order
prohibiting him from entering those or other
specified premises for between three months and two
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prohibiting him from entering those or other
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years.

DRUNKENNESS OFFENCES

Metropolitan Police Act 1839

Section 44: any shopkeeper etc in the MPD who 'wilfully or knowingly' permits drunkenness or other disorderly conduct on his premises is liable to a maximum fine at level 1.

Town Police Clauses Act 1847

Section 61: offence to drive a hackney carriage while drunk - level 1 fine.

Licensing Act 1872

Section 12: offence to be drunk on any highway or other public place or on any licensed premises - level 1 fine.

Licensing Act 1902

Section 1: offence of being drunk and incapable on any highway or other public place or on any licensed premises - to be 'dealt with according to law'.

Section 2: offence of being drunk in charge of a child under 7 - level 2 fine or one month imprisonment.

Licensing Act 1964

Section 172: offence for licensee to permit drunkenness on his premises, and to serve a drunken customer - level 2 fine.

Section 173: offence of procuring drink for a drunken person and of aiding a drunken person to obtain or consume alcohol in licensed premises - level 1 fine.

Section 174: licensees have express powers to refuse to admit to or expel from, licensed premises any drunken person. Failure to leave - level 1 fine.

Criminal Justice Act 1967

Section 91: drunk and disorderly in a public place - level 3 fine.

Late Night Refreshment Houses 1969

Section 9(i): licensee knowingly permitting drunken or disorderly persons to assemble or remain on premises - level 4 fine and/or three months imprisonment.

Section 9(iv): refusal by drunk etc person to leave late night refreshment house - level 1 fine.

Sporting Events (Control of Alcohol Etc) Act 1985

Section 1(2): knowingly causing or permitting intoxicating liquor to be carried on a vehicle on the way to or from a designated sporting event - level 4 fine.

Sections 1(3) and 2(1): possession of intoxicating liquor during a designated sporting event or while in a vehicle on the way to or from a designated sporting event - level 3 fine or three months imprisonment or both.

Section 1(4) and 2(2): being drunk during, when entering or trying to enter a designated sporting event or on a vehicle on the way to or from a designated sporting event - level 2 fine.

MAIN OFFENCES OF DISORDER, VIOLENCE, VANDALISM ETC

| <u>Offence</u> | <u>Maximum penalty</u> |
|---|---------------------------------------|
| Threatening or disorderly behaviour (general - Section 5) | Level 3 fine (£400) |
| Threatening or disorderly behaviour (towards another - | 6 months) Level 5 fine) (£2,000) |
| Affray | 3 years and fine |
| Violent disorder | 5 years and fine |
| Riot | 10 years and fine |
| <u>Offences of violence against the person</u> | |
| Assault | 2 months or level 3 fine |
| Assault on police | 6 months |
| Actual Bodily Harm | 5 years |
| Unlawful wounding | 5 years |
| Wounding with intent to do GBH | Life imprisonment |
| Robbery | Life imprisonment |
| Possession of offensive weapon | 2 years and unlimited fine |
| *Possession of knife or sharp bladed instrument in a public place without good reason or lawful authority | Level 3 fine |
| <u>Offences against property</u> | |
| Arson | Life imprisonment |
| Criminal Damage | 10 years and unlimited fine |
| Criminal damage endangering life | Life imprisonment |
| Theft, handling stolen goods etc | 10 years |

* When the relevant sections of the Criminal Justice Act come into force

CRIME PREVENTION

1. Examination of local alcohol related crime, with action targetted on the specific problems eg. management of particular premises, late night transport arrangements. Examples in Coventry and Newport.

2. Sussex Licensing Project - a police led scheme in Brighton, which has resulted in a significant drop in alcohol related arrests.

3. Other initiatives:

Voluntary identity cards to show holder is over 18 (Witney) and 'Pubwatch' schemes with early warnings of suspicious or disorderly behaviour (Brentwood).

4. Reports to Standing Conference on Crime Prevention.

18 November 1986: Working Group on the Prevention of Violence Associated with Licensed Premises:

24 November 1987: Working Group on Young People and Alcohol.

Further information on the above available from:

Crime Prevention Unit
Home Office
50 Queen Anne's Gate
LONDON SW1H 9AT

Tel: 01 273 3355



B.

HOME OFFICE

Queen Anne's Gate London SW1H 9AT

Direct line: 01-273 3521

Switchboard: 01-273 3000

Our reference: CR1/88 750/3/24

Your reference: POL/88 1100/10/5

4 August 1988

c.c. The Director of Public Prosecutions
The Chief Probation Officer

The Clerk to the Justices
(with a copy for the chairman of the bench for the
information of the justices)

The Chief Officer of Police

Sir/Madam

HOME OFFICE CIRCULAR 62/1988

HOOLIGANISM

We are directed by the Secretary of State to say that he is concerned that adequate arrangements should be made to prosecute swiftly defendants accused of committing offences in the course of sudden outbreaks of hooliganism such as have become the subject of considerable concern in recent months.

2. For swift action to be possible there need to be agreed arrangements at local level between the parts of the criminal justice system directly involved. These arrangements should be such that they can be invoked and put into action at short notice.

3. The Home Office has consulted the Crown Prosecution Service, the Association of Chief Police Officers and the Justices' Clerks' Society about such arrangements and the points which they should cover. The Appendix to this circular contains guidance based on those discussions. Chief Constables, Chief Crown Prosecutors and Justices' Clerks are asked together to take the necessary steps to draw up plans for their areas in accordance with it.

Graham Sandiford

G K SANDIFORD
C2 Division

E SODEN
F2 Division

DISORDER: CONTINGENCY PLANS

1. INTRODUCTION

1.01 Outbreaks of hooliganism and disorder call for rapid action both to deter further outbreaks and to demonstrate the determination of the agencies involved to act firmly against them. Local contingency plans should therefore be drawn up to provide an accelerated procedure for bringing people quickly before the court when the situation demands it. This note, which has been drawn up in consultation with the Crown Prosecution Service, the Association of Chief Police Officers and the Justices' Clerks' Society provides guidance and a general framework for the development of such plans.

1.02 Contingency plans will have many common features, but there will also be differences according to the nature of the areas involved. Plans must match local resources and the circumstances in which they are most likely to be put into operation.

1.03 If plans are to be effective they will require the close co-operation of all parts of the system. Local plans should therefore be drawn up jointly by the police, the justices' clerk in consultation with his justices, the CPS, the probation service, local defence solicitors and others who may need to be involved. Discussions should take place locally as soon as possible. Court user groups where they exist may provide a suitable forum. The plan should be drawn up in writing and copies should be made available to all who may need it.

2. CRITERIA FOR IMPLEMENTING THE CONTINGENCY PLAN

2.01 There should be agreement between the justices' clerk, the police and the CPS about the kind of incident which should lead to the local contingency

plan being used. In some areas, or on some occasions, it may need to be used when relatively few people have been involved. Elsewhere the situation will be such that only incidents on a relatively large scale will require the plan to be put into operation. In centres where courts are already being used to capacity in the normal course of events care will be needed to ensure that the implementation of a contingency plan does not cause unacceptable disruption to existing arrangements. Even so the need to bring people accused of involvement in incidents of disorder before the courts quickly may mean that other cases suffer some delay. (See also paragraph 6 below).

2.02 In general, an accelerated procedure is not likely to be appropriate for serious charges which will, rightly, raise questions such as advance disclosure and mode of trial. These questions will need a longer period to resolve.

3. NEED FOR CONTINUITY OF PERSONNEL

3.01 Contingency plans are likely to be activated at relatively short notice, and possibly in circumstances of some confusion. Those responsible for putting them into operation in each service should be identified in advance and known to the other services. It is recommended therefore that each agency should nominate a person at an appropriate level to take on this role.

4. ELEMENTS OF CONTINGENCY PLANS

4.01 The contingency plan should provide that where the police judge that a situation meets the locally agreed criteria, they should contact the clerk to the justices and the CPS to notify them that people have

been arrested who should be brought to court under the special procedures. The clerk to the justices should then make arrangements for a court to be ready to hear the cases. The CPS will need arrangements with the police to have all witness statements submitted so that an urgent review of the cases can be undertaken. The plan should provide for the police and the CPS to consult at an early stage over the nature of changes to be brought.

4.02 The contingency plan should place responsibility on the police or the clerk to the justices for notifying the various persons or agencies who will be involved of the time and place of the hearing, and the reason for the hearing. In particular it is suggested that the contingency plan should provide:-

(i) for the police to notify:-

(a) the probation service/social services;
and

(b) the press,

(ii) for the clerk to the justices or his deputy to notify:-

(a) the magistrates who will be
sitting;

(b) the CPS

(c) court staff, and

(d) the duty solicitor or other solicitors.

4.03 It may be helpful if the contingency plan incorporates a check list, so that the various steps that need to be taken are achieved in the right order and at sufficient intervals to allow all the parties to play their proper part. The following factors should be considered:-

(a) Magistrates

The clerk to the justices or his deputy, after consulting the chairman of the bench, will arrange for the attendance of a sufficient number of suitably experienced magistrates. It will be a matter for local decision whether a standby rota of magistrates should be drawn up. Continuity is important and as far as possible magistrates should be available to sit for as long as they are likely to be needed.

(b) Police

The police should ensure that witness statements are prepared and submitted to the CPS. They should also ensure that arrangements are made for the warning of witnesses as soon as the hearing dates and venues are known.

(c) Probation Service/Social Services

The plan should identify the names and telephone numbers of senior probation officers and social workers who are to be contacted. The involvement of social workers will normally only arise where persons under the age of 17 are to appear in court.

(d) Court Staff

Court staff, including court clerks, ushers, administrative staff and building staff who are on standby should be notified of the time of the hearing if their services are required. The number of staff to be brought in will depend on the number and nature of the cases falling to be dealt with. Where the police do not undertake the task, sufficient staff must be on duty to maintain security and order within the court building. If the number of persons arrested is too great for one court house to deal with, the contingency plan should provide for the clerks to the justices in the area to co-ordinate in the provision of sufficient resources.

(e) Duty Solicitor

Where a duty solicitor scheme is in existence, the contingency plan should make provision for sufficient numbers of duty solicitors to attend the court.

(f) Other Solicitors

If there is no duty solicitor scheme or the scheme is not geared to providing representation in these circumstances, the contingency plan should make provision for the clerk to the justices to contact the representative of the local law society who can then, in turn, notify other solicitors so that sufficient solicitors are available to represent those in custody.

(g) Press

The contingency plan should identify the press

and other news media to be notified. The situation should be explained fully to them. Proceedings should be conducted openly and should give no grounds for criticism of "secret justice".

5. THE COURT SITTING

5.01 It is suggested that magistrates and justices' clerks should pay particular attention to the following points:-

(a) The accused person's basic rights must not be overlooked. Notwithstanding the pressures there may be on the court to deal with a large number of persons, the magistrates and the court clerk should be at pains to ensure and to demonstrate that everyone who appears before the court is being fairly treated and according to the high standards demanded by the rules of natural justice.

(b) The magistrates should be aware before the proceedings of their powers to deal with any disorder or disruption of the court proceedings.

(c) The number of persons brought before the court at any one time should be kept as small as possible. It is often difficult to deal calmly and fairly with a large number of people together, and experience has shown that dealing with groups of people together encourages disorder within the court room.

(d) Courts should not sit for long periods without a break. A period of two-and-a-half to three hours should not be exceeded without a break of at least one hour. Special sittings should be avoided wherever possible. Justice cannot be administered satisfactorily at night when most of the people involved are likely to be tired after a normal day's work.

(e) Care should be taken that cases are not called on before the court until the persons charged have had a sufficient opportunity, if they wish, of consulting a solicitor. The clerk to the justices, in making arrangements for the court sitting, will need to balance the need for an early court appearance with the rights of the accused to see a solicitor and give him instructions. In particular, unrepresented defendants who appear before the court should be asked:

(i) whether they are ready for the case to proceed, and

(ii) whether they have had an opportunity to see a solicitor, or a friend or relative.

(f) To ensure that cases brought on speedily under the special arrangements proceed properly to final disposal particular attention will need to be given to maintaining control over adjournments. There may be a need for a senior justice and the justices' clerk to maintain an overview of the progress of cases. Where a court has decided to proceed to deal with a case to final disposal, the court must observe the requirements of s.20(A) of the Powers of Criminal Courts Act 1973 and s.2 of the Criminal Justice Act 1982 to obtain social enquiry reports.

(g) In this context it may be right to consider whether the same bench(es) should hear all the cases concerned. While the magistrates may sometimes have to impose similar orders in respect of a number of defendants, they will need to consider each case separately. By the same token, the practices of the court clerk should avoid giving the impression that any particular order is likely to be made before it is announced.

6. ACTING STIPENDIARY MAGISTRATE

6.01 In the unlikely event of prolonged incidents, or where there are cases which by their number or complexity will take up a lot of court time consideration should be given to making application to the Lord Chancellor for the appointment of an acting stipendiary magistrate, under s.15 of the Justices of the Peace Act 1979, in order to avoid delays in the hearing of cases. If it becomes apparent that delays are occurring the assistance of an acting stipendiary magistrate should be sought before a large backlog of cases has accumulated. The appointment of an acting stipendiary magistrate is a temporary one, and casts no reflection on the justices' own ability to deal with the number of cases coming before their court. Nevertheless, exceptional circumstances may require that special steps be taken in order to ensure that justice is administered without delay.

6.02 Where such a situation arises, the clerk to the justices should, after consultation with the chairman of the justices and the secretary of the Lord Chancellor's Advisory Committee, apply to the Lord Chancellor for the appointment of an acting stipendiary magistrate.

6.03 The contingency plan should, if possible, make provision for a court room, a court clerk and court usher to be set aside in the event of an acting stipendiary magistrate being appointed.

7. SECURITY

7.01 Special arrangements may need to be made to maintain security, both in and around the court building. Additional police may be required to assist in the maintenance of order within the court room and in the court foyer. Other court staff such as ushers and caretakers may also need to be employed to assist in this respect. Court ushers need to be properly instructed and know when to call for assistance from the police.

8. PRESS

8.01 There will sometimes be a need for the court to have a press spokesman. Generally it is more desirable for the clerk to the justices, to assume this role than for it to be performed by a magistrate. Subject to consultation with the bench chairman, the contingency plea should provide that the clerk to the justices, or his deputy, will act as press spokesman.

9. ENFORCEMENT OF PENALTIES

9.01 When cases which are brought to court under special procedures result in fines being imposed, it is clearly important that penalties should be enforced if the deterrent and declaratory effect of speedy disposal is not to be lost. Contingency plans should include arrangements for the prompt follow up and firm enforcement of fines.



DLW.

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

7 July 1988

Dear Philip

DRINKING IN PUBLIC

The Prime Minister was grateful for the Home Secretary's minute of 6 July which she noted without comment.

A copy of this letter goes to the Private Secretaries to members of the Cabinet and Trevor Woolley (Cabinet Office).

*Yours sincerely,
Dominic Morris*

(D. C. B. MORRIS)

Philip Mawer, Esq.,
Home Office.



✓ CCBG

Prime Minister ²

The Home Secretary freshened
this at this afternoon's football
meeting.

DRINKING IN PUBLIC

cc(33) 23-0

Attached

mb

At last week's Cabinet, in the discussion on the paper on rural disorder, I mentioned the issue of the byelaw proposed by Coventry City Council which would ban the consumption of intoxicating liquor in streets and other public areas within the city centre.

I have resolved to agree to the Council's request that this byelaw should be approved for a trial period and I will announce my decision tomorrow (7 July) by means of a Press Notice. I am also acting on your suggestion that the experiment should be extended to include a Conservative-controlled Council. Bath is a possibility and their candidature would be supported by Chris Patten, though there are local doubts which need to be cleared up. Interest has been expressed by a number of other Councils, and I intend to test the effectiveness of this approach to the problem of drunken disorder on about two other communities. It is vital that there should be strong, cross-party local support in the areas chosen so that this is seen as a Government response to local need.

/The trial

The trial will be carefully monitored by a working group of officials from my Department and officers of the participating Councils. On timing, because of the need to comply with the statutory byelaw-making procedures (which involve a month for receiving objections) and to fit in with the Council's committee cycle it is likely that the Coventry byelaw will come into force in the autumn.

I am sending a copy of this minute to other members of the Cabinet and to Sir Robin Butler.

Catherine Bannister

Approved by the Home Secretary
and signed in his absence.

6 July 1988

Ref. A088/1986

PRIME MINISTER

DISORDER IN RURAL AREAS: C(88)9

DECISIONS

When you invited the Home Secretary to submit this paper to Cabinet you may have had in mind that it was a suitable current issue for general Cabinet discussion, rather than that it should be the occasion for precise and specific policy decisions. Nevertheless, you will doubtless wish the Cabinet to reach a view whether the four proposals in paragraph 12 of the Home Secretary's paper are on the right lines. These are

- a. Tough guidance to be issued on the licensing of pubs and clubs.
- b. Discussion with magistrates courts and the Crown Prosecution Service of possibilities for quick prosecutions following disorders.
- c. Encouraging police forces to implement the proposal of an ACPO working party ("the Hayes Report").
- d. Research.

2. You may also wish to obtain the Cabinet's views on the presentation of the Government's response to rural disorder and, in particular, whether the focus of Government activity should be a firm line on alcohol abuse in general and on disorderly pubs in particular.

BACKGROUND

3. At the Cabinet meeting on 9 June (CC(88)20:2) you invited the Home Secretary to put in a factual paper to enable the Cabinet to have a discussion on current law enforcement issues including disorderly crime in rural areas and the collapse of certain Metropolitan Police prosecutions of football hooligans. Subsequently, in the light of the football riots in Germany, you decided to deal with football hooliganism separately with the Ministers most concerned at a meeting this morning. The specific issue that most closely connects the football hooliganism meeting with the present item is the question of alcohol.

4. The general background is set in paragraph 1 of the Home Secretary's paper, which summarises the relevant crime statistics. These need to be treated with caution, mainly because the crime that gets reported to the police and recorded in the statistics partly reflects the tolerance of a particular community to a particular type of crime, and such levels of tolerance do change. Nevertheless, there is no reason to doubt the Home Secretary's central conclusion that "broadly speaking, crime in the cities is much higher than

elsewhere, but falling: in the Shires lower, but still rising". Within these trends, violent crime has increased by about 50% since 1980 in both metropolitan areas and the Shires.

5. The figures quoted above do not not altogether justify the proposition that disorders in rural areas are a specific and suddenly emerging crisis, but the media prefer to see the topic, in that light. Every incident is now given heavy media coverage. The police, too, have tended to play up the topic, especially when police officers have been injured. Partly in response to police concern, the Home Secretary decided last autumn to set up a working group (the "Hayes Committee") of officials and the Association of Chief Police Officers (ACPO) to consider the police aspects of the problem. Most recently, Mr Hattersley has tried to make capital out of both football hooliganism and other public disorders, claiming that the relatively affluent but ill-motivated youths who are responsible are in some way the product of the country's prosperity and of the Government's general policies.

MAIN ISSUES

a. Social attitudes

6. Football hooliganism and drunken violence in quiet country towns obviously reflect highly pathological social attitudes among those responsible, but it is not at all clear

that there could ever be an acceptable consensus among the experts about the deeper causes of such things. You may remember that when Cabinet recently had a brief discussion of football hooliganism, Mr Baker emphasised that it would be important to concentrate on the specific question at issue, and that the Government should not allow itself to be drawn into loose debate on wider social matters. If you think that approach holds good for rural disorders also, you may wish to probe with Mr Hurd what he and the police hope to get out of the research that he proposes in his paper. You might wish to welcome research that concentrated on hard facts - such as the link with alcohol or the extent to which riotous youths travel about the country - but to discourage anything that would take the Government into more speculative areas of social science.

b. Presentation

7. Although the Government may well have to show some recognition of the concerns that exist about disorder in traditionally quiet parts of the country, there is much exaggeration in the media's treatment of the subject. The danger of a high profile response is that it might simply encourage the media to continue dealing with the matter in crisis terms and to press for simplistic solutions. In the light of the Cabinet discussion you will wish to consider which Minister should be in the lead of presenting the Government's policies in this field (presumably the Home Secretary); how much prominence the Government should allow

to the idea that there is a widespread problem of disorder outside football hooliganism; and whether the Government should concentrate on one particular aspect of the matter, such as alcohol.

c. Police and criminal justice aspects

8. Mr Hurd's paper argues that the maximum sentences available for all the relevant offences are very high and that quick and well prepared prosecutions are the best deterrent. He therefore proposes to open discussions with the magistrates' courts and Crown Prosecution Service (CPS) on the possibilities of bringing these cases on quickly and to encourage police forces to adopt the ACPO working party recommendations on better intelligence gathering and better follow-up procedures. You may wish to probe both these propositions and to seek the Attorney-General's comments on them. The CPS is notoriously overloaded and asking them to give priority to one type of case in which there is a political concern might simply elicit a request for instructions on the types of case that should be allowed to proceed more slowly in order to provide the necessary room. The ACPO working party recommendations on follow-up procedures seem to be no more than a guide of good practice that would be applicable to any kind of case, and it is not clear why the police should not be carrying them out already. This would be the point, if you wished, to ask the Home Secretary to comment on the Metropolitan Police cases against football hooligan gangs that have collapsed through

apparent faults in police procedure.

9. But the real police issue is the question of manpower in rural areas, and the rapid deployment of available resources. It would clearly be prohibitively expensive and unrealistic to try to provide every rural locality with a level of policing that could cope with spontaneous public disorder if it should break out, and you may wish to be cautious about accepting police arguments that manpower in itself is likely to be a main answer to the problem. In particular, costs could escalate alarmingly if mainly rural police forces were allowed to vie for manpower with those responsible for the urban flash-points. Nevertheless, the Home Secretary believes that manpower increases should form part of the Government's stance on rural disorder and he links this with his outstanding bid to the Treasury that the nationwide law enforcement situation requires a more substantial increase in the police recruitment programme than has been agreed up to 1989-90. He has proposed to the Chief Secretary that the agreed increase in police complement in that year of 500 provincial officers plus 400 metropolitan officer equivalents should be increased in that and subsequent years to 1,000 provincial officers plus 600 metropolitan officer equivalents. This proposal has appreciable implications for the Rate Support Grant settlement, and is due to be discussed in E(LA). If you wish to signal any views on the proposal, you may prefer to do it separately to Mr Parkinson as chairman of E(LA), rather than in this general Cabinet discussion.

10. Whether or not you wish to take a view on police manpower levels, it must be right that available resources are used as efficiently as possible and that, in particular, rapid mobilisation and contingency plans for rural areas are developed and kept up to date. You may therefore wish to welcome those recommendations of the ACPO working party.

d. Alcohol

11. It is abundantly clear that much of the disorder in rural areas, as elsewhere, is closely linked to heavy drinking and the Opposition will claim that the Licensing Bill's relaxation of licensing hours will make this problem worse. Public attention has also been drawn to the steadily falling price of alcohol in real terms.

12. At today's meeting on football hooliganism the Home Secretary agreed

- to consider the adequacy of existing powers to close pubs temporarily in areas where disturbances were foreseen;
- to review what action could be taken to enforce the law against under age drinking; and
- to consider what compromise might be reached on the proposed Coventry bylaws prohibiting the drinking of alcohol in public within specified areas (which

the Home Secretary believes to be unenforceable as they stand).

All these decisions are relevant to the present discussion, and you may wish to invite the Home Secretary to expand on them.

13. In C(88)9 the Home Secretary makes a different proposal, which did not come up in the meeting on football hooliganism, though it is also relevant to that subject. This is that more should be done under the present law to ensure that Justices do indeed remove the licences of pubs that tolerate troublemakers. This seems the simplest and most direct and immediate action that is available and one that the public would both understand and welcome. You may, therefore, wish to encourage Mr Hurd to press on with this proposal and, perhaps, to report on progress well before the Conservative Party Conference. The Home Secretary's paper also mentions the "pub watch" scheme which is designed to encourage co-operation between the brewers, landlords, and police. You may wish to emphasise that it is politically very desirable that the brewers are seen to do more to maintain standards in their pubs as the Licensing Act comes into force.

14. You may also wish to ask the Lord President to comment on the work that he has in hand in his Ministerial Group on Alcohol Misuse.

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HANDLING

15. Subject to the way in which you decide to report to the Cabinet on football hooliganism (on which I have submitted a separate note), you will wish to open the discussion by inviting the HOME SECRETARY to introduce his paper.

16. The SECRETARY OF STATE FOR SCOTLAND may wish to comment on public order in Scotland. The CHIEF SECRETARY and the SECRETARY OF STATE FOR ENERGY (as Chairman of E(LA)) have the immediate interest in police manpower. The LORD PRESIDENT and the SOCIAL SERVICES SECRETARY have particular interest in alcohol abuse. Most other members of the Cabinet can be expected to have general views, and you may wish to stimulate an open-ended discussion.

R.R.B.

ROBIN BUTLER

29 June 1988

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Copy filed on
HOME AFFAIRS
Football Hooligans
pt 6

PRIME MINISTER

28 June 1988

DISORDER IN RURAL AREAS

1. The Home Secretary's memorandum confirms that there is a factual basis for thinking that violent crime in rural areas has increased recently: recorded offences in country and rural areas were 50 percent up in 1987 as compared with 1980.

2. The paper suggests three lines of attack:

- (i) More police in rural areas;
- (ii) Tighter licensing of pubs where hooligans congregate;
- (iii) Measures to encourage young men to behave as responsible citizens.

3. (iii) is important, difficult and will take time to bear fruit.

4. (i) and (ii) are the options which would produce early results.

MORE POLICE IN RURAL AREAS

5. (i) should be approached with some caution. Obviously the police are going to argue that the recent outbreaks of violence in rural areas demonstrate the need for more police in these areas. There may be a need for some additional men. But to try to police every rural area with the same intensity, say, as Tottenham would be absurd, the cost would be enormous. It could not be justified by the present level of rural disorder.

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6. The recommendations of the joint police/official working group on ways of tackling rural violence (penultimate paragraph of Annex A) look sensible. I suggest that you focus on these measures while showing some reserve about the need for large numbers of extra police.

TIGHTER LICENSING OF PUBS/CLUBS

7. This looks the most promising area for action. There is a strong correlation between drinking and violent offences. Certain clubs and pubs cater specifically for 16-25 year olds with money in their pockets. The paper recommends tough new guidance to licensing justices to encourage them to withdraw licences in response to police complaints.

8. You could go further and put pressure on the brewers to help prevent their pubs from becoming centres for rowdyism. (There is said to be evidence that publicans in free houses are much less tolerant of bad behaviour). The brewers must be profiting from the fact that young men have more money to spend on drink. It is right that they should contribute to preventing anti-social behaviour fuelled by drink.

9. Local inhabitants living near pubs and clubs which tolerate drunken and rowdy behaviour would be likely to welcome moves which led to greater control/swifter withdrawal of licences.

10. Some of the disorder is associated with under-age drinking. It is ridiculous that publicans in the UK (and retailers) should be so unwilling to demand proof of age. This is standard procedure in the USA.

11. There is no need for the government to introduce national identity cards for the purpose. All it needs is for suppliers of drink to young people to agree that they

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will demand proof of age. The forms of acceptable proof are a second order question. Again, the brewers could be asked to help.

EFFECTIVE SENTENCING

12. The paper does not make any new recommendations in this area. It suggests that the range of punishments for different levels of violent offences set out in Annex B are adequate.

13. Punishment by fine alone is not much of a punishment for offenders with the ability to earn quite large sums. Depriving such people of their liberty at weekends for, say, a period of six months could be a greater deterrent. This is also relevant to football hooliganism, which you are discussing tomorrow.

14. Suitably strict arrangements would need to be set up involving community work at an attendance centre on Saturdays and Sundays. This would keep offenders away from football matches. There would need to be an effective system of curfew monitoring to ensure good behaviour after people had finished the day's work. Physically or emotionally demanding work could help to drain the desire to be rowdy.

15. This idea links up with the proposals for tougher punishment in the community discussed in the Home Secretary's recent draft Green Paper. Even if tht does not see the light of day for some time, the Home Office could be asked to look urgently at the scope for replacing fines for hooliganism by an alternative which would deprive offenders of weekend relaxation.

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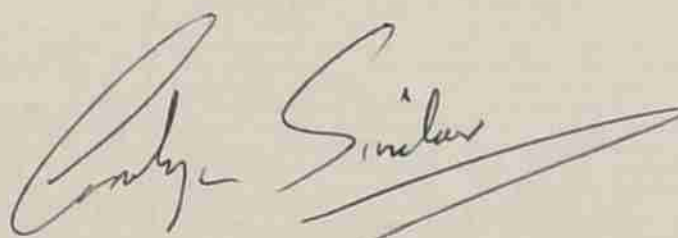
RECOMMENDATIONS

16. The recommendations of the joint working group (Annex A) should be endorsed, but you will not want to sign a blank cheque for more police in rural areas.

17. Two courses which seem worth pursuing are:

(i) Encouraging licensing magistrates to take a tougher line on withdrawing licences; backed up by an approach to the brewers, and a call for a real crack down on under-age drinking.

(ii) Replacement of fines by deprivation of liberty at weekends.



CAROLYN SINCLAIR

CONFIDENTIAL



10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

27 June 1988

Dear Philip

PUBLIC ORDER IN THE INNER CITIES

The Prime Minister was grateful for the Home Secretary's minute of 21 June which she has read without comment.

I am copying this letter to the Private Secretaries to members of E(UP) and Trevor Woolley (Cabinet Office).

Yours sincerely
D. C. B. Morris

(D. C. B. MORRIS)

Philip Mawer, Esq.,
Home Office.

085

Passed
accounts & down.
W.C.U

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Prime Minister

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You will want

L7.6 THIS DOCUMENT IS THE PROPERTY OF
HER BRITANNIC MAJESTY'S GOVERNMENT

to see the

24 June 1988

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Home Secretary's
papers for Cabinet on
Thursday, which he
prepares to circulate

CABINET

DISORDER IN RURAL AREAS

Memorandum by the Secretary of State for the Home Department

[Handwritten mark]

N.C.U

24.6

Introduction

The recent disorders in rural areas have to be seen against the general profile of crime in this country. Recorded crime figures per 100,000 population in the metropolitan forces are about double those for non-metropolitan forces. However, the figures for the first quarter of 1988 and those for 1987 confirm that the trend in metropolitan areas is slightly downward (down 1% year on year). The figures for non-metropolitan areas continue to rise (3% up year on year). The national rise is substantially lower than in most recent years. So broadly speaking crime in the cities is much higher than elsewhere, but falling: in the Shires lower, but still rising. Within these totals crime against property in the metropolitan areas, in particular burglaries, has fallen, but has continued to rise elsewhere. Violent offences (5% of the total) continue to rise every where. Offences of violence in county and rural force areas totalled 83,000 last year, half as much again as in 1980. There was a similar increase in metropolitan areas. Care must be taken in using these figures because they are liable to fluctuate and cover only recorded crime; but they give a sketch.

Police

2. Our first line of defence against crime and disorder is the police. We made it a priority in 1979 to increase their strength from the low levels we had inherited. The result is a police

service of 124,182 - some 12,600 stronger. They have also grown more efficient by introducing value for money concepts and new technology, and streamlining procedures. Extra civilian posts have released many more officers for operational duties - 3,300 over the last 5 years. It is no longer easy to recruit the civilians needed in London and the South East. They cost half as much as police officers.

Inner Cities

3. Much of the extra police resources has gone to the seven metropolitan forces. Their strength has increased by 7781 since 1979, with 2687 new posts approved. The riots of 1981 and 1985 were vivid proof that this was where the manpower was needed most. This is where the greatest problems for the police - and the most serious for society - remain. High levels of street crime - particularly drug-related - against a background of high tension mean that another Tottenham-style riot would surprise no one. I have minuted colleagues separately on this.

Market towns and rural areas

4. The media have turned their attention to the shires. There is nothing new in market town disorders. Drunken mob violence goes back centuries; teddy boys in the '50s, mods and rockers in the '60s, punks and skinheads in the '70s inherited a long tradition. But I am concerned that the problem is getting worse. The violence over New Year 1987 and Spring Bank Holiday 1987 was an indication of a trend of disorder spreading to the suburbs and shires, as I pointed out in my note of July 1987 to the Prime Minister and members of E(UP) about public order in the inner cities. As a result, I set up a working group of officials and ACPO to examine how best the police could tackle the problem. I attach at Annex A a summary of the main points of the ACPO report compiled by the Chief Constable of Surrey. The police certainly regard the problem as an increasing burden on them. I am commissioning urgent res^{serv}nto the matter. This will

involve a field study of four towns (to be decided in consultation with ACPO), their demographic background, the relevant alcohol and licensing statistics and a survey of young males between 18 and 30. We shall have the results by the end of the year.

Who are the trouble makers? Why do they do it?

5. I see similarities between the rural rioter and the football hooligan. Many of the 16-25 year olds involved in these disturbances have a latent appetite for violence. Toughness is a proof of manhood. Drink removes their inhibitions and pushes them over the edge. There are few social controls to rein them back. Their parents are at home in front of the TV and their upbringing and education have failed to give them self-discipline, a sense of social responsibility or much in the way of interest except having a good time. They are well paid for their age and have no financial commitments. They spend their wages in clubs and pubs increasingly designed for their newly affluent age group. They have the means to drink too much and there are few older people around to tell them when they have had enough. They fight amongst each other. When the police arrive, both sides gang up and turn on them. In the inner cities, police win by quick intervention with large numbers. But in rural forces the police are dispersed and cannot concentrate quickly and effectively. Police arriving in ones and twos become an attractive target.

Lines of remedy

Penalties and deterrents

6. The penalties are already tough. The range of public order and other relevant offences (set out in Annex B) is comprehensive. We have created the new offence of disorderly conduct to deal with hooliganism. But quick prosecutions and, where necessary, exemplary sentences would act as a deterrent.

where necessary, exemplary sentences, would act as a deterrent

The police at Lincoln feel they have; 58 convictions and a total of 123 years imprisonment followed the Lincoln disorder. There is a case for the police and the CPS to concert in quick prosecutions for those arrested. We shall be following this up. But such violence is in any case a calculated defiance of the rule of law. The prospect of getting caught is the real deterrent. We expect the strength of the non-metropolitan forces to reach 66,990 by 1988/89 (at a cost of £1,622.4 million) and under the present programme with the same share of extra posts as this year, to reach 67,347 by the end of 1989/90 (at a cost of £1,756.5 million). In the last round of manpower increases, the police outside London asked for 2239 extra posts. We were able to give them 500. We had to turn down 967 new posts for non-metropolitan forces. There is strong dissatisfaction among rural chief officers, shared by our own supporters, that we could not give them more. The ACPO report reflects this. I have put before colleagues proposals for future expansion, still substantially less than those claimed by the police.

7. Police manpower is costly. It cost £2-2,500 a week to station one police officer permanently in one place. It would be wrong to pour additional resources indiscriminately into rural forces. But a combination of police operational, tactical and managerial improvements bolstered by some additional manpower could make a difference. The working group referred to in paragraph 4 has identified specific ways in which police handling of rural disorder could be made more effective:-

- (i) better information and intelligence gathering and dissemination arrangements on individuals involved;
- (ii) training in tactics of first resort before reinforcements arrive;
- iii sharpening up and testing of mobilisation and contingency plans; and

- (iv) better follow-up procedures including evidence-gathering on those not arrested at scene.

I regard this last point as particularly important. The recent football hooligan trials failed through inconsistencies in evidence. I have discussed this with the Commissioner and he has called for an urgent report. He is all the more determined to act decisively against the hooligans, press on with infiltration of their gangs, gather good quality evidence and construct watertight cases. The group will also commend a number of measures designed to prevent and pre-empt disorder. Some of their recommendations require a better use of existing resources; others call for more manpower.

Deployment of police

8. Rural chief officers have to balance a number of competing and conflicting demands on their available manpower. The public press for more officers on the beat. To provide a visible police presence across the force, operational strength must be spread thinly over a wide area. At the same time, the public expect a rapid response to outbreaks of disorder. This requires a quick concentration of manpower. Planning for a quick response at known trouble spots cuts back cover in other areas; Taunton makes do with fewer police so that any disorder in St Paul's Bristol can be checked rapidly. Tilting the balance of priorities even further towards a quicker, stronger response to disorder would mean in effect reducing capacity to prevent and detect crime. Overtime can fill holes in ground cover when it is operationally essential. But budgets are tight and changes in conditions of service over the years have reduced chief officers' flexibility in using overtime. One more officer on duty at night usually means one less on patrol during the day.

9. Where disorder is predictable, chief officers can get any additional help they need through mutual aid; nine forces were involved in this year's Stonehenge operation. Mutual aid works

smoothly and well. Better information gathering (para 7) can help the police to anticipate disorder. But spontaneous disorder has always presented problems of response in rural forces. Only extraordinary increases in manpower would enable county and rural forces to tackle outbreaks of disorder as effectively as the inner city forces, with their greater operational strength and smaller territorial area. A "rural riot squad" is not the answer. They would spend their time chasing from one end of the county to another and, with incidents peaking quickly, would arrive too late to be effective. The sharpening and better testing by forces of their contingency plans (including arrangements for quick mutual aid) which the working group will recommend is a positive step, particularly if we are able to back it up with modest manpower increases. But securing a better police response is only part of the answer. Wider social issues are involved.

Alcohol

10. Alcohol featured in 90% of the incidents covered by the recent ACPO survey on rural disorder; contributed a lot in 83%; and 70% of those arrested had been drinking. These are formidable figures. Drink is now much more affordable. The price of beer, cider and spirits has not kept pace with the growth in disposable income. The advertising of drink is pitched aggressively at the young male with a strong emphasis on its macho image. While this year's budget made a start, the tax structure does not provide much incentive to drink low-alcohol beers rather than strong or give the brewers enough incentive to manufacture and push them. Many of the aspects which John Wakeham's Ministerial Group on Alcohol Misuse is looking at - advertising codes of practice; reviews of the way alcohol is portrayed on TV; and health education - are important contributions. So is encouraging local inter/agency co-operation on alcohol misuse. We have legislated to make it easier for the police to prosecute publicans who sell to under-age drinkers.

Licensing

11. But more is needed. Chief officers confirm that removal of a licence from a disorderly pub has an immediate effect on all pubs in the area. They feel that licensing justices do not take police objections about bad pubs and landlords sufficiently into account. We shall emphasise this in new guidance to go out shortly. The police need to adopt a more consistent and aggressive national policy on objecting to licences on these grounds. We have this in hand as well. This will provide the incentive needed to get the brewers, managers and tenants alongside to co-operate with the police in the "Pubwatch" and other schemes which have already shown some success in sorting out the difficult pubs and banning troublemakers.

Conclusion

12. This paper concentrates on the way in which the criminal justice system reaches the problem. Much of what we are doing at present, eg the Criminal Justice Bill, is relevant. The following are specific measures which I intend:-

- To be heard only by stipendiary's.*
- (i) Tough new guidance to licensing justices and the police on licensing of pubs and clubs (paragraph 11)
 - (ii) Discussion with justices clerks and the CPS on quick prosecutions following incidents of disorder (paragraph 6)
 - (iii) Encouraging chief officers to put into effect the working group's recommendations on tackling rural disorder (paragraph 7)
 - (iv) Urgent research (paragraph 4)

13. These concentrate on more effective ways of tackling the symptoms. But the Criminal justice system cannot tackle the root causes. At the heart of the problem is an absence of self-control and social responsibility on the part of the youths involved. Tackling this is a long and slow process. But we have made considerable progress in the last few years in policies which encourage people to take control of their own lives, be responsible for their own actions and have regard for the consequences. It is vital that this philosophy continues to underpin our policies on housing, education and all the other aspects which touch on the lives and activities of those who are involved in crime and disorder. We must ensure through specific groups such as the Ministerial Group on Crime Prevention (which will consider "Violence" at its July meeting) and in other ways that those policies are properly concerted and directed towards tackling the problem.

DH

Home Office
24 June 1988

PUBLIC DISORDER OUTSIDE METROPOLITAN AREAS - ACPO

Study (The "Hayes Report")

In November 1987 a committee of the Central Conference of Chief Constables chaired by the Permanent Secretary at the Home Office and composed of Chief Constables, representatives of the Association of Chief Police Officers (ACPO) and Home Office officials agreed that ACPO should conduct a survey of incidents of serious disorder in small towns and rural areas, where the police often had difficulty in mobilising a response. The survey was conducted by Mr Brian Hayes, the Chief Constable of Surrey.

A questionnaire was sent to each Chief Constable in England and Wales requesting details of all incidents in 1987 outside main Metropolitan areas involving group offences of public disorder or of assault or of criminal damages where 10 or more reinforcements in addition to normal sub-divisional patrol strength were needed and where experience showed that it would be difficult to mobilise that number of reinforcements in sufficient time. (The questionnaire had been drawn up in consultation with the joint Home Office/ACPO working group set up to examine ways of improving police response to disorder in areas where there were mobilisation difficulties). The results of the survey were presented to the Central Conference Committee and circulated within ACPO in early June. They have not been published, although details have been released to the news media.

Mr Hayes's report outlines the scale of the problem, the essential characteristics of the incidents surveyed, the difficulties posed for police forces and their arrangements for dealing with the problem. It also makes certain recommendations.

A total of 251 incidents as defined in the questionnaire were reported (ie an average of 5 incidents per week). The highest

/number

number of incidents were reported in the South of England, followed by the Midlands. Coastal resorts were particularly afflicted. Most incidents took place on Friday and Saturday evenings between 10.00pm and 1.00am and most involved young people who had been drinking (alcohol featured in over 90% of all incidents recorded). The numbers originally involved in an incident did not determine the eventual scale of the disorder. The incidents varied widely in location, duration and numbers involved.

The report recommends a common system for reporting incidents, a study of the relationship between disorder and licensing policy in particular areas and tentatively suggests research into the sociological and demographic factors involved. Police training should be reviewed to take account of the experience of disorder outside Metropolitan areas and forces should reappraise their contingency plans. Model intelligence gathering procedures should be devised and disseminated. Forces should consider whether greater attention should be given to licensing matters. The report also suggest that community groups may have a greater role to play both in controlling licensed premises and in providing alternative meeting places for young people.

The report states the author's view that the police cannot tackle this problem effectively without additional resources.

OFFENCES AND PENALTIESOffencePublic Order Act

| | |
|---|-------------------------------------|
| Threatening or disorderly behaviour (general - Section 5) | Level 3 fine. (£400) |
| Threatening or disorderly behaviour (towards another - Section 4) | 6 months) Level 5 fine) (£2000) |
| Affray | 3 years and fine |
| Violent disorder | 5 years and fine |
| Riot | 10 years and fine |

Offences of violence against the person

| | |
|--|----------------------------|
| Assault | 2 months or level 3 fine |
| Assault on police | 6 months |
| Actual Bodily Harm | 5 years |
| Unlawful wounding | 5 years |
| Wounding with intent to do GBH | Life imprisonment |
| Robbery | Life imprisonment |
| Possession of offensive weapon | 2 years and unlimited fine |
| Possession of knife in public (new offence in Criminal Justice Bill) | Level 3 fine |

Offences against property

| | |
|-------------------------------------|-----------------------------|
| Arson | Life imprisonment |
| Criminal damage | 10 years and unlimited fine |
| Criminal damage endangering life | Life imprisonment |

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Prime Minister²

A 'situation report' only: a quiet summer in prospect though disturbances cannot be ruled out.

Dec. 22/76.

PRIME MINISTER

PUBLIC ORDER IN THE INNER CITIES

My officials have recently consulted chief officers of police about the public order situation in the inner cities. You will wish to know the outcome. This note does not cover the question of disorder in rural areas, on which I shall be circulating a separate paper shortly for discussion at Cabinet later this month. We should be clear that the main danger remains in the cities.

2. We have discussed the prospects for disorder with inner city chief officers at the start of each summer since the 1981 riots. The riots of 1985, with the unprecedented ferocity of the violence directed at the police, were a considerable shock to the police service. Chief officers felt that they had done everything that could be asked of them following the Scarman Report in building better relations with the community in the inner cities and that they had made considerable progress. In 1986, however, there were few chief officers who did not expect serious disorder again that summer. In 1987, with a well contained and relatively calm 1986 behind them, chief officers were a little more optimistic about the prospects, though they pointed out that the tensions which can give rise to disorder in the inner cities were still only just below the surface.

3. They still are in most of our inner cities. The police are putting considerable effort into simply keeping the lid on. This has been successful in preventing substantial

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2.

outbreaks of disorder such as those in 1985. But the level of violence and disorder confronting the police every day on the streets remains significantly higher than before the 1985 riots. Chief officers point out that there are many incidents today which at the beginning of the 1980s would have been termed "riot" by the press, which the police now tackle effectively and which pass without significant media interest. The focus of attention has shifted, for the moment, to the market towns and shire counties.

4. Parts of the community in parts of the inner cities do not consent to being policed. Routine acts of law enforcement can trigger disorder and lead to attacks on the police, attempts by crowds to prevent arrests and the use of knives and other weapons. (In this latter respect, chief officers are particularly anxious to see the quick enactment of our proposals in the Criminal Justice Bill to tighten the law). Police operations against serious crime in these areas, particularly those against drugs, have to be carefully planned and involve the deployment of large numbers of officers in reserve against the risk of retaliatory disorder.

5. But while the flashpoint for disorder is lower than it was before 1985, the police are better able to cope when it does occur. Increases in police manpower since 1979 have helped in this - though inner city policing is now more manpower-intensive than it has ever been. Public order training has been refined and improved throughout the 80s, and we have provided the police with better protective and other equipment. Since the NUM dispute the police have better intelligence and information-gathering arrangements on public order matters. All this has ensured that they are more skilled and better prepared, both individually and collectively, for tackling disorder and preventing its escalation. The realisation that this is so acts as a powerful disincentive to the would-be rioter.

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6. There is room for cautious optimism in one or two areas, such as the Yorkshire inner cities where tensions are noticeably lower than in the last year or so. But in general, while the lid remains on and there is no reason to believe that serious disorders are likely, few chief officers would be surprised if they did occur, particularly if we have a long hot summer. Nevertheless, chief officers are prepared.

7. Against this background chief officers have identified two particular triggers for disorder, to which they are paying particularly close attention:

(i) Drug dealing and gangs

The profits from the trade in drugs in the inner cities are immense. Any police action which threatens the trade is vigorously resisted by those involved. Arrests inevitably bring large numbers on to the street. (Reaction to police activity against drug dealers in Handsworth sparked the 1985 riot). The police are resolute in their pursuit of the big dealers but action against them has to be carefully planned and executed. Drug dealing also gives rise to violent crime as well as disorder. Territory is fiercely disputed between rival gangs; a gang struggle over drugs and prostitution territory in Greater Manchester has led to three murders there recently. But there is evidence in normally hostile areas of welcome in the community for police action against drugs. Chief officers are resigned to the fact that this sort of positive reaction simply indicates strong anti-drugs feelings rather than incipient support for the police. Nevertheless they are keen to try to exploit it.

We continue to give high priority to tackling drug misuse. Our strategy, co-ordinated by the Ministerial Group on the Misuse of Drugs, is a balanced one aimed at reducing both the supply of and demand for drugs. Making law enforcement more effective is a vital part. Extra resources have been given to the police and Customs and new legislation - the Drug Trafficking Offences Act 1986 - passed which is now beginning to bite on the vast profits of the traffickers. But the strategy also lays particular emphasis on developing prevention, through such means as publicity campaigns and support for local education services. Many of the initiatives taken under the strategy should have an impact on the inner cities, though few are specifically directed at them.

(ii) Tensions between and within ethnic communities

In both London and the West Midlands, the police report evidence of increasing tension between Asian groups. Some of this is clearly influenced by events on the Indian sub-continent, particularly the Punjab. It could lead to copy-cat disorder here. There is also separate potential for conflict in the growing trend for relationships between Muslim youths and Sikh girls, deeply resented by Sikh youths and their elders. The Chief Constable of West Midlands has pointed to this sort of inter-ethnic rivalry as the most likely single trigger for disorder in his area.

Prevention and Government Initiatives

8. The police spend much time preparing to tackle disorder, including training, tactics and mobilisation. At the same time, they remain committed to policing difficult and tense areas day by day in a way which is effective and responsive to the real concerns of the local population. The aim is to attract and maintain the support of the law-abiding members of the local community - those who can be looked towards to exercise a moderating influence when disorder threatens. This involves a difficult and delicate balance, involving judgment and skill on the part of individual officers on the street, many of them young and inexperienced. The fact that there have been no riots since 1985 is a considerable achievement which suggests that the police have got this balance about right.

9. The inner city areas in which public order and the rule of law are most at risk are those which colleagues will recognise as their own problem areas, where much of our inner city initiative is targeted. Chief officers recognise the importance of the work we are doing to regenerate business and improve employment opportunities and the quality of life generally in the inner cities. The police play a considerable part in these initiatives. This is activity which they consider well worth the effort and manpower they invest in it.

Chief officers are keen to support any initiative which will improve life in the inner cities and help reduce the problems they face in policing them. The police for their part need and are entitled to expect the support and encouragement of all responsible organisations and individuals in their efforts. This is a point which I hope colleagues will try to hammer home when they set out in speeches the positive action the Government is taking on the inner cities.

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6.

I am copying this minute to members of E(UP) and Sir Robin Butler.

Doyler Am.

21 June 1988

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● PART _____ 3 _____ ends:-

CC(88) 3bc Item 3 18.9.86

PART _____ 4 _____ begins:-

HOMB SEC to PM 21.6.88

~~DEPT CABINET PARCE. 24.6.88~~